UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

PATRICE KELLY,

Plaintiff,

Civil Action No. 5:09-CV-0969

VS.

PENTAGROUP FINANCIAL, LLC

Defendant.

<u>Appearances</u>: <u>Of Counsel</u>:

For Plaintiff:

KROHN, MOSS LAW FIRM 120 West Madison Street 10th Floor Chicago, IL 60602 ADAM T. HILL, ESQ.

For Defendant:

HISCOCK, BARCLAY LAW FIRM 3 Fountain Plaza 1100 M&T Center Buffalo, NY 14203 JOHN P. GAUGHAN, ESQ.

Glenn T. Suddaby, U.S. District Judge

## JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT

The Court having been advised by counsel that the parties in this action have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Counsel has also advised that no infant or incompetent is a party to this action. Based upon this development, I find that it is not necessary for this action to remain

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on the calendar of the Court. It is therefore hereby

**ORDERED** that this action is **DISMISSED** in its entirety without prejudice pursuant

to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment

is issued without prejudice to the right of the parties to secure reinstatement of the case

within thirty (30) days after the date of this judgment by making a showing that the

settlement was not, in fact, consummated; and in the event that no request is made for

reinstatement within thirty (30) days of the date of this judgment, the dismissal of this case

shall thereafter be with prejudice; and it is further

**ORDERED** that the Clerk shall serve copies of this Judgment upon the attorneys

for the parties appearing in this action.

Dated: January 20, 2010 Syracuse, New York

Hon. Glenn T. Suddaby

U.S. District Judge